

# Minutes

## Agricultural & Natural Resources Advisory Committee

Thursday, May 9, 2013, at 9:00 am

Charlotte County Administrative Center

18500 Murdock Circle, Room #B-207

Port Charlotte, FL 33948-1094

### MEMBERS PRESENT

Andy Dodd, Chairman  
Wes Brumback, Vice Chairman  
Chris Hencher  
Matthew Sullivan, Jr.  
Lindsey Harrington  
Steve Smith

### MEMBERS EXCUSED

Orrin Webb, Secretary

### MEMBERS ABSENT

Dan Ryals

### GUEST

Gio Ijpkemeule  
Andy Neuhofer  
Barbara Carlton  
Ron Hamel

### STAFF

Matt Trepal, Staff Liaison  
Claire Jubb, Customer Services Manager, Building Construction Services Division

---

### CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM

The **May 9, 2013**, meeting of the ***Agricultural and Natural Resources Advisory Committee*** was called to order at 9:13 a.m. by ***Chairman Dodd*** who noted that there was a quorum present.

### APPROVAL OF MINUTES

***Chairman Dodd*** asked to have the minutes approved; ***Mr. Sullivan*** moved approval of the minutes of the March 14, 2013 meeting, second by ***Mr. Smith***. The motion carried with a unanimous vote.

### COMMISSIONER COMMENTS

***Chairman Dodd*** noted that Commissioner Duffy would not be able to attend; Commissioner Truex will attend in her place.

### ADDITIONS/DELETIONS TO AGENDA

None.

## **OLD BUSINESS**

### ❖ ***Presentation on the Floodplain Ordinance***

**Customer Service Manager Claire Jubb** presented an update on the proposed ordinance, which is based on changes at the federal and State level, so all local governments are obliged to update their local ordinances. She sought to address the group's concerns regarding the issues raised, that the County was required to do a floodplain review on any non-residential farm buildings, which are currently exempt in the Florida Building Code; she said that she needed to stress that this is a federal requirement that cannot actually be avoided but the County is seeking to fulfill the obligation while inconveniencing property owners as little as possible.

**Ms. Jubb** said that the plan currently was to have a very quick permit which she or the Department's floodplain reviewers can review, with the possibility of a dedicated counter person or an online option for this process. She responded to a comment from Chairman Dodd by noting that the floodplain review would not be a building permit per se, and since it involved commercial structures, they will be looking for just floodplain related items (flow-through vents or elevated buildings where necessary.) **Mr. Brumback** clarified this only addressed new buildings, it is not a review of existing buildings, which **Ms. Jubb** confirmed. **Chairman Dodd** said he interpreted it as meaning every building will now need a building permit; **Ms. Jubb** clarified it is only with respect to floodplain requirements, not wind load or any other structural components. **Mr. Smith** asked if it was any particular kind of structure, e.g., concrete floors, etc.; **Ms. Jubb** responded it was not limited to particular kinds of structures, and **Chairman Dodd** said it included fences, which **Ms. Jubb** said was not the case. Some further discussion ensued, with the eventual clarification from **Ms. Jubb** that the requirement is for fences in a *known floodway*, not all fences. She noted there were very few instances of this in the county and noted that there was a map which identified the locations; members asked to see the maps, which **Ms. Jubb** agreed to provide. **Commissioner Truex** cited Shell Creek as an example of floodways in the county, and **Ms. Jubb** agreed.

**Mr. Andy Neuhofer** Assistant Director of Field Services for District Six of the Florida Farm Bureau Federation, spoke on the subject. He gave a brief review of the origins of the floodplain language revisions, noting that Florida has been asked to address theirs as quickly as possible. He said the concern was that the new language negates all the exemptions existing in 604.50, F.S.; **Chairman Dodd** and **Ms. Jubb** clarified that the language pertains just in the floodplain. **Mr. Neuhofer** objected further, based on the fact these floodplain conditions do not threaten the health, welfare and safety of the general public. He referenced examples of exemptions in other counties; Brevard Co. exempted bona fide agricultural operations from new regulations, keeping the current exemptions in place, and they were subsequently examined by the Florida Department of Emergency Management and found to be in compliance with the new regulations; **Chairman Dodd** questioned and it was clarified, they stripped out AG and got approved anyhow. So this is negotiable; and **Ms. Jubb** indicated the County would look into that option.

**Mr. Neuhofer** indicated that the county Farm Bureaus are working with their respective local governments to resolve those concerns. Also, there are tentative plans for meeting with the Board of Directors of the Florida Floodplain Managers Association in June. **Mr. Neuhofer** recapped the groups concerns that the new requirements recapture the agricultural exemptions for non-residential farm structures, and that including bona fide agricultural operations and practices in the flood ordinance does not improve conditions for the health, safety and welfare of the general public, that charging permit fees and potentially requiring engineered plans for

construction or repair of non-residential farm structures, including fences, is an unnecessary burden on agricultural producers. These things are unnecessary and goes beyond what is required by FEMA and the Florida Department of Emergency Management, as noted in the Brevard County example.

In the Charlotte County staff summary, **Mr. Neuhofer** continued, there is reference to the possibility to increase by 10% the discount on flood insurance, but in another section there is a reference to 'increased cost of compliance' insurance; **Mr. Neuhofer** asked if these cancel each other out. **Ms. Jubb** clarified at some length, especially regarding the increased cost of compliance. Further discussion ensued on this topic, and the ways in which this part of Florida does not have the conditions for which the new regulations would be more appropriate.

In summary, **Mr. Neuhofer** noted that the Farm Bureau is working cooperatively with stakeholders on the issue, taking the position that there are not any tangible benefits to the citizens of the County, only unnecessary costs and delays for ag businesses; he recommended to ANRAC that they recommend to the Board of County Commissioners to remove all references to agriculture in the proposed language. Ms. Jubb and Committee members confirmed the references to the counties that had successfully opposed implementation of the new language.

**Mr. Harrington** raised an question about people in the ag areas but on five-acre tracts (having horses, etc.) where they get no tax exemption or advantage; would they fall under this?

**Chairman Dodd** noted that many of those five-acre tracts already fall under this. It was noted that if a property was not bona fide ag, it was already subject to requirements such as building permits. **Chairman Dodd** stated he had done some research which indicated Charlotte County has about 100 land owners who would be affected, 50 of which are large landowners; Babcock is on the list, obviously. He included everything, even those where the floodplain only nicks a corner of the property; having been on a lot of these property, he said, the fact is that no one builds in the floodplain anyway. Fences are generally in the floodplain, but not in the floodways. Nonetheless, he supported the language put forward by **Mr. Neuhofer**. **Mr. Harrington** moved that motion, **Mr. Smith** seconded, and by a voice vote, it was carried unanimously.

**Mr. Harrington** also suggested there be a resolution sent to the area's congressman about the lack of a broad ag exemption in the language at the federal level, with a note that there should at least be such language for Florida. **Mr. Neuhofer** agreed that this was a good point and suggested that talking to Congressman Rooney would be a good idea. **Mr. Brumback** said he agreed. **Chairman Dodd** agreed that a letter should be done, and asked Mr. Harrington to produce that letter and send it to the Recording Secretary to further handle.

The membership thanked **Ms. Jubb** for the update.

❖ **Proposed Article XXIII Excavation and Earthmoving**

**Mr. Dodd** next spoke about presentation of the most recent draft of this part of the Code to the Planning and Zoning Board, which he felt did not contain most of the suggestions made by the Committee; the outcome of the Board meeting led to a public input session getting comments on amendments to the language. He asked Mr. Trepal for any updates currently available on the situation. **Mr. Trepal** responded regarding the current schedule for the matter going forward to the Commissioners at their May 21<sup>st</sup> workshop to cover all the topics raised in these meetings; in response to Chairman Dodd's question whether there would be a revised draft prior to that meeting, **Mr. Trepal** said he didn't know as he is not the planner working on the matter, and referred that question to the working group (Assistant County Attorney Harris, Ms.

Vernon, and Ms. Williams). **Chairman Dodd** posed that same question to Commissioner Truex who expressed the hope that there would be something available prior to that meeting for the Commission to review. **Mr. Quick** contributed some comments regarding the progress of the process; he stated that there will be a PowerPoint for the workshop that addresses each of the issues raised at the P&Z and public input meetings, which will be the decision points for the BCC to provide direction on, and from this, staff will produce the final draft ordinance. The PowerPoint will be made available first to Administration, as early as tomorrow, and then Admin will determine who it goes to after that. Further details were exchanged about the time frames.

**Mr. Brumback** questioned the proposal for a limitation on the hours of operation on the weekend, asking who is driving that issue. **Chairman Dodd** indicated that it probably dates back to when you could put a pit anywhere, which was a problem for folks like the residents of Washington Loop. **Mr. Brumback** indicated there needed to be a balance, saying if he lived in town and a neighbor wanted to have a pit and commence work at 7 am on a Sunday morning, he understands the issue, but there are situations (working seven days a week to earn a bonus or trying to beat the rainy season) out in the ag lands where there should be no limitation. The primary objection was to having to get consent from 100% of neighbors, because neighbors can withhold that consent for any number of reasons; likewise, you may be able to apply for an exemption, but there is no guarantee one will be granted. **Chairman Dodd** noted that many comments at the public input session were related to the 'arbitrary constraints' and the idea that the outcome depends on who is making the decisions at any given point in time. **Mr. Brumback** says he's been trying to talk to Ms. Williams over time about the hours, and feels that there is no justification for not coming to an accommodation for operations in the rural areas. **Chairman Dodd** said he felt certain that particular issue will be on the agenda since it was an issue in the discussion.

**Commissioner Truex** stated that he agrees with the comments, but also says he lives in Rotonda and knows that when the pit went in there, many people complained. He understands the restrictions on Sundays but doesn't accept there needs to also be a Saturday restriction, because he considers Saturdays to be work days. In the end, whether the project is in a neighborhood setting should be the important consideration; activities in a rural setting should be evaluated differently. **The Commissioner** also noted that farms are seven-day-a-week operations, and running a tractor makes the same noise as a backhoe. **Mr. Brumback** repeated his concern that if you have a neighbor you don't get along with, they will complain out of competition or some other unrelated motive. **Mr. Smith** says also that it amounts to singling out one industry; there no restrictions on citrus or on grocery trucks. **Mr. Sullivan** agreed. **Commissioner Truex** concluded that if someone moves to that type of land you have to expect this; it's a completely different situation than a neighborhood closer in.

**Mr. Harrington** suggests density-based zoned could be the basis of exemptions or the imposition of the regulations; everybody in the excavation business has to move out there to do this anyway. **Chairman Dodd** agreed, noting that permitting now limited to rural lands, and a land change is also required. Some further discussion ensued. **Chairman Dodd** said he would be at the workshop; it was determined it would be an all-day workshop.

#### **CORRESPONDENCE AND COMMUNICATIONS**

**Chairman Dodd** noted some Committee appointment letters for the file.

#### **PUBLIC COMMENTS**

**Ms. Barbara Carlton** indicated there was a new governing board seat open in Charlotte and Sarasota Counties that needs ag representation, and said she hoped someone would step up; it is full-time non-paying position. It is a Governor-appointed position; **Commissioner Truex** noted they are very far behind in those appointments. Full financial disclosure is required.

#### **STAFF COMMENTS**

**Mr. Trepal** stated that the draft LDR document will be posted June 15<sup>th</sup>, though in an incomplete state; work will continue as comments come in from the public. Initially, the document will be posted as PDF files with comments to be made by email; a more interactive commenting system is in the process of being set up. Chairman Dodd asked if there would be meetings; **Mr. Trepal** responded that such meetings were anticipated, beginning sometime after people had enough time to review the Code. Further discussion ensued on anticipated responses from the public, especially based on it being a very large document, covering numerous sections of the existing Code. The target for adoption hearings would be January of 2014, with staff looking for as much interaction with the public as possible before then.

**Chairman Dodd** asked if there was anything that is not occurring in the county because people are waiting for the new code to be adopted. **Mr. Trepal** said he thought not; since none of the new code has been released, there's been nothing for people to anticipate.

#### **FUTURE MEETING TOPICS**

None.

#### **MEMBER COMMENTS**

**Mr. Harrington** asked that the group consider a modification to the letter being sent out on floodplain issues, specifically that it should also go to state representatives and senators.

There followed a discussion about the possible conflict of the July ANRAC meeting date with the Cattlemen's Association meeting, but some members say Cattlemen's Association is in June, not July; **Mr. Brumback** mentioned he might be absent in July.

**Commissioner Truex** spoke regarding the push to get the LDR revision done while there are also the Manasota key projects and also the Bridgeless Barrier Islands' new Code coming along, and he thanked staff for their efforts, acknowledging the pressure on staff with all these things coming simultaneously. Some further discussion ensued about the Lady Moon Farm situation.

#### **NEW BUSINESS**

None.

#### **GUEST COMMENTS**

None.

#### **NEXT MEETING**

❖ July 11, 2013 at 9:00 a.m. in Room B-207

#### **ADJOURNMENT**

The meeting was adjourned at 10:08 a.m. as moved by **Mr. Brumback** and seconded by **Mr. Smith**.

**ANRAC Minutes**

May 9, 2013

Page 6 of 6

---

**To be approved by the Committee on:  
July 11, 2013**

**Approved by the Committee on  
July 11, 2013 and accepted by  
the Secretary:**

---